

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

RIVERA-VELAZQUEZ, *et al*,

Plaintiffs

v.

THE HARTFORD STEAM BOILER
INSPECTION AND INSURANCE
COMPANY,

Defendant

CIVIL NO.11-1763 (JAG)

ORDER

In their original Motion to Dismiss, defendants argued that plaintiffs' claims under Article 1802 of the Puerto Rico Civil Code, 31 P.R. Laws Ann. § 5141, were time-barred and should be dismissed. (Docket No. 11, ¶3). In their opposition, Plaintiffs stated that they did not object to the dismissal of their claims under this statute. (Docket No. 19, ¶6). Further, in the minutes of the Initial Scheduling Conference held on December 8, 2011, Magistrate Judge Marcos Lopez noted that the parties agreed to the dismissal of the abovementioned claim, and recommended that the Court dismiss the same. (Docket No. 37, p.2).

Pending before the Court now is defendant's second Motion to Dismiss plaintiffs' claims under Article 1802. (Docket No. 44). Defendants wish to renew their request to dismiss plaintiffs' Article 1802 claims in light of the fact that

plaintiffs' recently-filed amended complaint (Docket No. 39) re-alleges claims under that statute. Once again, plaintiffs did not oppose this request, and thus defendant's motion stands unopposed. (Docket No. 48).

It is the Court's opinion that under the facts alleged in the amended complaint, it is still evident that plaintiffs' Article 1802 claims are time-barred. As such, the Court hereby dismisses plaintiffs' claims brought pursuant to Article 1802 with prejudice. Judgment shall be entered accordingly.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 13th day of February, 2012.

S/ Jay A. Garcia-Gregory
JAY A. GARCIA-GREGORY
United States District Judge